

REMARKS

The application includes claims 1-40 prior to entering this amendment.

Claims 1-40 were rejected.

Claims 1, 3, 5, 8, 10, 11, 13, 18, 20, 21, 28, 31, 33, and 38 are amended. No new matter is added.

Request for Continued Examination - 35 U.S.C. § 132(b) & 37 CFR § 1.114

Applicant is filing herewith a Request for Continued Examination. Authorization to pay the examination fee is included with this response.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-40 under 35 U.S.C. § 103(a) over Vallstrom *et al.* (U.S. Patent Publication No. 2004/0192352) in view of Angelo *et al.* (U.S. Patent Publication No. 2003/0064731) and Montz *et al.* (U.S. Patent Publication No. 2003/0235163).

The rejection is traversed; however, Applicant amends claims 1, 3, 5, 8, 10, 11, 13, 18, 20, 21, 28, 31, 33, and 38 to expedite prosecution, and without prejudice with regard to pursuing the claims as previously presented or in other forms in a continuation or other application.

Amended claim 1 recites, in part, a method for dynamic configuration of a mobile access point comprising:

- determining a position of said mobile access point, wherein said mobile access point provides a point of connection for wireless communications between a distributed computer network and a wireless client device;

- identifying a region corresponding with said mobile access point based on said position;

- comparing said region with a previous position of said mobile access point to determine when said mobile access point has been moved to said region from said previous position, wherein said previous position is associated with a different region; and

- routing data packets comprising said wireless communication, wherein said mobile access point routes said data packets between said wireless client device and said distributed computer network.

In rejecting claim 1, the Examiner alleged that Vallstrom discloses a method for determining a position of a mobile access point according to FIG. 1 and paragraph 0050. Applicant respectfully disagrees. According to Vallstrom, a “movement detector 10E” is

included in the tracking device 10 (Figure 1) to determine movement of the tracking device 10 or mobile station 32 (e.g. cell phone). Applicant assumes, therefore, that the Examiner is proposing that the tracking device 10 or cell phone 32 of Vallstrom discloses the mobile access point recited by claim 1.

Claim 1 not only recites determining a position of a mobile access point, but further recites *wherein said mobile access point provides a point of connection for wireless communications between a distributed computer network and a wireless client device*. Accordingly, Applicant respectfully submits that the recited position of said mobile access point should not be interpreted in a vacuum, and without consideration of the additional language recited by claim 1.

The combination fails to treat the claim as a whole

According to MPEP § 2163, “USPTO personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum.”

Vallstrom’s tracking device 10 is described as being “capable of bidirectional RF communications with a cellular network 12 via one or more base stations 14.” (paragraph 29 lines 1-18). By the plain meaning of Vallstrom, and as shown in Figures 1 and 2, the tracking device does not provide a point of connection for wireless communications between a distributed computer network and a wireless client device, as recited by claim 1. To the contrary, the base station 14 lies between and connects the tracking device 10 to the cellular network 12.

Accordingly, Applicant respectfully submits that the tracking device 10 or cell phone 32 of Vallstrom fails to disclose a mobile access point that *provides a point of connection for wireless communications between a distributed computer network and a wireless client device*.

Applicant remarks that the Examiner previously acknowledged that “Vallstrom fails to disclose that the mobile access point is operable to provide a point of connection for wireless communications between a distributed computer network and a wireless client device” at page 3 of the September 12, 2007 Office Action. Accordingly, Applicant respectfully submits that the Examiner’s present position that Vallstrom’s tracking device 10 discloses the mobile access point of claim 1 is furthermore inconsistent with the Examiner’s previous acknowledged position.

In the present Office Action, the Examiner further acknowledged that “Vallstrom-Angelo fails to disclose routing data packets, wherein the mobile access point routes the data packets between the wireless client device and the distributed computer network.” (see page 3, first full paragraph). Instead, the Examiner proposed that the newly cited reference of Montz discloses these features. Specifically the Examiner identified the router 20 of Montz as disclosing the mobile access point recited by claim 1. Applicant respectfully disagrees.

Montz is directed to routing packets received from a mobile node (e.g. cell phone) that moves geographically between zones (cells) containing different wireless base station (paragraph 0006). Each cell 12a-12g (Figure 1) contains low power transmitters or base stations 14a-14g (paragraph 0016). The base stations 14a-14g are coupled to the PSTN 22 through the internet 21 via a router 20, wherein each base station may include routing capabilities shown as a dashed “R” in Figure 1 (paragraph 0017).

Neither the router 20 nor any of the base stations 14a-14g of Montz disclose a mobile access point. Rather, one skilled in the art would appreciate that the router 20 and base stations 14a-14g are geographically fixed within their corresponding zone (cell). Accordingly, Applicant respectfully submits that the recited features of routing data packets is being examined in isolation of the remaining claim features.

Applicant remarks that the Examiner has previously identified the tracking device 10 or cell phone 32 of Vallstrom as disclosing the mobile access point of claim 1. Whereas Montz also describes a mobile node 18 (e.g. cell phone) as being in communication with the base stations 14A-14G, the Examiner has now interpreted a stationary router 20 as being the mobile access point, rather than the cell phone 18. Applicant respectfully submits that such an incongruous interpretation of mobile access point as being first a cell phone for allegedly disclosing certain features recited by claim 1, and then a stationary router for allegedly disclosing additional features recited by claim 1, is inconsistent when read in view of the claim as a whole, is inconsistent when read in view of Applicant’s specification, and is further inconsistent when read in view of the combined references to Vallstrom, Angelo, and Montz.

The combination would render the proposed device inoperable

If the teachings of a prior art reference would lead one skilled in the art to make a modification which would render another prior art device inoperable, then such a modification would generally not be obvious. *In re Gordon*, 733 F.2d 900, 902, 2212 USPA 1125, 1127 (Fed Cir. 1984).

Applicant respectfully submits that the proposed combination of Montz with Vallstrom and Angello would render any such resulting device or system inoperable. As previously indicated, the Examiner identified the tracking device 10 or cell phone 32 of Vallstrom as allegedly disclosing the mobile access point. In combining Montz with Vallstrom, the Examiner next proposed that the router 20 discloses the mobile access point. According, Applicant appreciates that in such a combination the tracking device 10 or cell phone 32 of Vallstrom would be replaced with the router 20 of Montz to make such a combination.

Applicant respectfully submits that wherein the router 20 of Montz is identified as being provided in a base station 14A-14G, that this would suggest that the tracking device 10 or cell phone 32 would be replaced by a base station. Applicant respectfully submits that Vallstrom's "Energy Efficient Object Location Reporting System" would be made nonsensical if the tracking device 10 were replaced by the base station of Montz which does not move. There would never be any movement to report in Vallstrom's Reporting System. Furthermore, neither Vallstrom nor Montz disclose how the base station 14A-14G could be made mobile.

The router 20 is further described in Montz as being under the direction of a database called the Home Location Register (paragraph 0017) and that the router may be a computer (paragraph 0018). The Home Location Register is not described as being mobile. However, even assuming for arguments sake that the router 20 of Montz is mobile, replacing the tracking device 10 of Vallstrom with Montz' router 20 would result in a router that is in communication with, and that is connected as an endpoint to, the SMS server 25 of Vallstrom (Figure 1). It would similarly not make sense to design a system with a router as an endpoint, since there would be no information for the router to route through the SMS server 25. Montz' router as substituted for the tracking device 10 of Vallstrom would render Vallstrom's Reporting System inoperable.

Claims 11, 21 and 31 are believed to be allowable for at least some of the reasons provided above with respect to claim 1. As claims 2-10, 12-20, 22-30 and 32-40 depend from claim 1, 11, 21, or 31, they are believed to be patentable over the art for at least the foregoing reasons, as well as for the further novel features recited respectively therein. For example, claim 2 recites *wherein said mobile access point comprises a router*.

The Examiner rejected original claim 2 according to the explanation that the location tracking device 10 is a router since it routes signals among different servers. Applicant respectfully disagrees. By way of demonstrating what is known to one skilled in the art, Applicant directs the Examiner's attention to the Wikipedia definition of a router at (<http://en.wikipedia.org/wiki/Router> - accessed March 11, 2009).

Routers connect two or more logical subnets.... Routers operate in two different planes.

- Control plane, in which the router learns the outgoing interface that is most appropriate for forwarding specific packets to specific destinations,
- Forwarding plane, which is responsible for the actual process of sending a packet received on a logical interface to an outbound logical interface

The location tracking device 10 of Vallstrom merely transmits a signal to the nearest base station 14 that happens to intercept its signal. The tracking device 10 does not "connect" anything, rather it is an endpoint that has only bi-directional communication with a base stations 14. Furthermore, the tracking device 10 does not "forward" any packets, nor does it learn an "outgoing interface." Whereas data is generated at, or received by the tracking device 10, it only has a single outgoing interface with the base station 14. One skilled in the art would appreciate that the tracking device 10 of Vallstrom is incapable of performing as a router, both in relation to its functionality and its position as an endpoint in Vallstrom's system. Claims 22 and 32 are believed to be allowable for similar reasons as claim 2.

At least for the above reasons, withdrawal of the rejection of claims 1-40 is respectfully requested.

Any statements made by Examiner that are not addressed by Applicant do not necessarily constitute agreement by the Applicant. In some cases, Applicant may have amended or argued the allowability of independent claims thereby obviating grounds for rejection of the dependent claims.

Conclusion

For the foregoing reasons, Applicant respectfully requests reconsideration and allowance of claims 1-40. The Examiner is encouraged to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP

Bryan Kirkpatrick
Bryan D. Kirkpatrick
Reg. No. 53,135

STOLOWITZ FORD COWGER LLP
621 SW Morrison Street, Suite 600
Portland, OR 97205
(503) 224-2170